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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,630	09/29/2003	John Carl Nelson	0918.0257C	6234

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EXAMINER

THOMSON, MICHELLE R

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/671,630	Applicant(s) NELSON ET AL.	
	Examiner Michelle (Shelley) Thomson	Art Unit 3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-14 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings/Specification

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "27" and "38" have both been used to designate "pivot pin" (pages 7 and 8) and (Figures 3 and 4).
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "38" has been used to designate both "abutment" and "pivot pin" (page 7) and two different elements between figures 3 and 4.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "17" has been used to designate both "night vision device" and "cam" (pages 6-8) and (Figures 1, 2, 3, and 8).
4. A proposed drawing correction, corrected drawings, or correct specification are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

5. Claims 1-14 are objected to because of the following informalities: In line 1 of Claims 1, 13 and 14, "the receiver rail" should apparently be --a receiver rail-- since a receiver rail has not been previously recited. Appropriate correction is required.
6. Claim 2 is objected to because of the following informalities: In line 2, "said end" should apparently be --said one such end-- to clarify which end is intended since applicant has previously cited two ends. Appropriate correction is required.

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7. Claim 11 is objected to because of the following informalities: in line 1, "form" should apparently be --from--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Amelino (US Patent # 5,570,529). Amelino discloses a connection device (reference 40), for attaching to a receiver rail (reference 26) of a weapon, comprising: a base surface (reference 87) for engaging a top surface of the receiver rail, a stationary first sidewall (reference 92) for engaging a side surface of the receiver and a moveable second side wall (reference 52), which is movable between an extended position where it does not engage an opposite side surface of the receiver rail and an operative position where it is retracted and securely engages the opposite side surface of the receiver rail, the second side wall being part of a clamp (reference 50) which is connected to a bolt (reference 86), wherein the clamp is pushed and pulled between said extended and retracted positions by pushing and pulling the bolt by rotation of a knob (having camming surfaces) (reference 44). The bolt has first and second ends, one such end extending through the

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clamp, wherein there is compressible means (reference 102) around the bolt at said one such end, between the bolt head and the clamp, for exerting force on the clamp (Figure 4).

10. Claims 1, 2, 5-8, and 10-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Waterman et al. (US Patent # 6,442,883). Waterman et al. discloses a connection device (reference F), for attaching to a receiver rail (reference 112) of a weapon, comprising: a base surface (reference 26) for engaging a top surface of the receiver rail, a stationary first sidewall (reference 18) for engaging a side surface of the receiver and a moveable second side wall (reference 32), which is movable between an extended position where it does not engage an opposite side surface of the receiver rail and an operative position where it is retracted and securely engages the opposite side surface of the receiver rail (Figure 4), the second side wall being part of a clamp (reference 30) which is connected to a bolt (reference 46), wherein the clamp is pushed and pulled between said extended and retracted positions by pushing and pulling the bolt by rotation of a self-adjusting cam (reference 56). The bolt has first (reference 50) and second ends (reference 48), one such end (first end 50) extending through the clamp, wherein there are spring washers (i.e. compressible means) (references 86, 88, and 90) around the bolt at said first end between a nut/head and the clamp for exerting force on the clamp. The self-adjusting cam rotates around a pivot pin (reference 68) and the clamp is connected to the bolt near the first end of the bolt and to the pivot pin at its other end 48 (column 4, lines 20-30). The other end (48) of the bolt extends through the first wall (18) and the cam (56) is situated on and works against a surface (reference 20) opposite the first wall. The surface comprises a ledge (reference 94) and the cam has an ear (reference 92) that works against the ledge. Guide pins (reference 96) extend from the second wall of the clamp and engage bores in the base, the clamp

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is spring biased away from the first wall by loading the guide pins with springs (references 98)

(See generally Figure 1).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waterman et al. as applied to Claims 1 and 2 above. Waterman et al. discloses the claimed invention except for the compressible means specifically secured between the bolt head and the clamp. It would have been obvious to one having ordinary skill in the art at the time the invention was made to reverse the bolt and have the bolt head on the other side, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167. Although Waterman et al. does not specifically call the compressible means "Belleville washers", it is well known in the art that "spring washers" are analogous to "Belleville washers" (See attached GlobalSpec Definition of Spring Washers) and applicant has disclosed on page 9 that other known compressible means can be used.

Allowable Subject Matter

13. Claim 9 is objected to as being dependent upon a rejected base claim, but possibly would be allowable if rewritten in independent form **including all of the limitations of the base claim and any intervening claims**. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not anticipate the claimed connection

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device as previously cited and including a ledge that comprises two parallel ledges and the cam has two parallel ears.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hardee (US Patent # 5,606,818), Swan (US Patent # 5,276,988), Ward (US Patent # 3,877,166), Pilkington (US Patent # 4,310,980), Bell (US Patent # 5,680,725), and Squire et al. (US Patent # 6,606,813), which are cited to disclose related accessory mounting structures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle (Shelley) Thomson whose telephone number is 703.306.4176. The examiner can normally be reached on Monday thru Thursday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 703.306.4198. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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